

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Erick B. Coleman

Plaintiff,

v.

Case No.: 1:21-cv-00650

Honorable Virginia M. Kendall

Chicago Police Officers, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, July 12, 2021:

MINUTE entry before the Honorable Virginia M. Kendall. Teleconference Status hearing held on 7/12/2021. Upon further review, the Court notes Plaintiff's Complaint fails to state a claim. Fed. R. Civ. P. 12(b)(6). Plaintiff's alleged 42 U.S.C. § 1983 Fourth Amendment and Due Process claim accrued either at the time of his arrest (March 9, 2006) or when he claims that a judge entered a not guilty and vacated his conviction (August 24, 2018). (Dkt. [5] at 3, 36). Plaintiff's Complaint, filed February 2, 2021, falls well outside Illinois's two-year limitations period for such claims. *Smith v. City of Chicago*, No. 19-2725, 2021 WL 2643004, at *2 (7th Cir. Jun. 28, 2021). Further, Plaintiff pleaded guilty to the charge and thereby admitted probable cause existed to arrest him. His allegation that this guilty plea was a product of coercion should have been presented on direct appeal. Regardless, all of his claims stem from an arrest that is 15 years old and outside of the statute of limitations. The Court's previous oral order allowing for service is stricken and the Complaint is dismissed without prejudice. (Dkt. [5]). Plaintiff may file an Amended Complaint curing the aforementioned defects if he is able to do so by 7/19/2021. Mailed notice(lk,)

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